

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

UNITED STATES OF AMERICA, §
Plaintiff §
§
VS § CASE NO. 08-CV-207
§
1.71 ACRES OF LAND, more or §
less situated in STARR COUNTY, §
TEXAS; AND CITY OF ROMA, EL AL, §
Defendants §

CITY DEFENDANT'S ADVISORY TO THE COURT

MAY IT PLEASE THE COURT:

NOW COMES DEFENDANT, THE CITY OF ROMA (hereafter, "DEFENDANT" or "CITY") and files this Advisory to the Court and would show as follows:

1. The Court requested in its Initial Scheduling Order that the parties notify the Court in writing by September 10 whether the parties would be submitting an Agreed order on the issue of immediate possession or whether the parties would be unable to reach an agreement.
2. To date, the parties have not yet reached an agreement on immediate possession. However, DEFENDANT CITY still believes that an agreement can, and most likely will, be worked out on the issue of immediate possession.
3. Plaintiff has assured DEFENDANT via email correspondence that it will provide it within the next few days information necessary to reach an agreement on the issue of immediate possession. This particularly includes information relevant to the DEFENDANT'S use and access to its water pump near the river and proposed border fence/infrastructure building site. This information will hopefully come at least along with the Plaintiff's Court-ordered

September 15 deadline to provide certain information to the Defendant regarding this project.

4. Thus the DEFENDANT hopes to continue to engage in discussions regarding the issue of immediate possession, before having to urge Objections to the Government's Motion for Immediate Possession by the September 12 deadline for such. DEFENDANT would advise the Court that it is willing to, and plans to, continue to try and reach an agreement on this issue even if forced to preserve its objections via filed Motion with regard to immediate possession.

CERTIFICATE OF CONFERENCE

DEFENDANT attempted to confer with Plaintiff regarding the filing of this Advisory to the Court via email notification. At the time of this filing, DEFENDANT'S counsel has not heard anything back from Plaintiff regarding this Advisory or the issue of immediate possession.

SIGNED on the 11th day of September, 2008.

Respectfully submitted,

DENTON, NAVARRO, ROCHA & BERNAL

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CERTIFICATE OF SERVICE

I certify that a true copy of this document has been sent by regular U.S. Mail, unless otherwise indicated, to the persons listed below on the 11th day of September, 2008.

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